

REMARKS

Favorable reconsideration of this application, in view of the preceding amendments and following remarks, is respectfully requested.

Claims 1, 3-10, 12-15, 17, 20 and 22-30 are pending in this application. Claims 1, 3, 4, 10, 14, 20, 22, 23, 29 and 30 are amended. Claims 2, 11, 16, 18, 19, 21 and 31 are cancelled.

Applicant acknowledges with appreciation the Examiner's indication that certified copies of all priority documents have been received by the United States Patent and Trademark Office (USPTO); that the drawings have been accepted by the USPTO; and that the references included in the Information Disclosure Statements filed September 12, 2003 and February 18, 2005 have been acknowledged as considered.

Allowable Subject Matter

Applicant also acknowledges with appreciation that the Examiner's indication that claims 2-4, 10-14, 16, 18, 19, 21-23 and 29 include patentable subject matter and would be allowed if rewritten in independent form. Accordingly, independent claim 1 has been amended to include features substantially similar to the allowable features of previously submitted dependent claim 2. Likewise, claim 20 is amended to include features substantially similar to the features of previously submitted dependent claim 21, which were indicated as allowable. Claims 2 and 21 are cancelled by this amendment.

Therefore, Applicant respectfully submits that amended independent claim 1 and amended independent claim 20 are allowable for at least the same reasons that previously submitted dependent claims 2 and 21 were indicated as allowable.

Claim Rejections under 35 U.S.C. § 101

Claim 30 stands rejected under 35 U.S.C. §101 because the Examiner asserts that the final step of “determining” does not appear to be sufficient to constitute a tangible result since the outcome of the determining step is not claimed in a disclosed practical application. However, Applicant respectfully rebuts this assertion as detailed below.

In particular, amended independent claim 30 specifically identifies both a tangible result and a disclosed practical application. The tangible result is the “distance between the sensor and surface,” and the practical application is an optical displacement sensor using the method, which is believed to be clear from the preamble of amended independent claim 30.

In light of the above, Applicant respectfully requests that the rejection of claim 30 under 35 U.S.C. § 101 be withdrawn.

Claim Rejections under 35 U.S.C. § 102(b)

Claims 1, 20, 30 and 31 stand rejected under 35 U.S.C. § 102(b) as anticipated by Buechler (U.S. Patent No. 3,788,741). Applicant respectfully traverses this rejection as detailed below.

As indicated above, claim 1 is amended to include the allowable features of dependent claim 2, and claim 20 is amended to include the allowable features of dependent claim 21. Accordingly, the rejection to claims 1 and 20 has been rendered moot.

Further, independent claim 30 has been amended to include features somewhat similar to the features of amended independent claims 1 and 20. Namely, amended independent claim 30 recites “merging a plurality of first elimination beams and a plurality of second elimination beams; directing the merged elimination beams onto a surface of a measurement object, and creating a plurality of first real images and a plurality of second real images at different

distances, ...; creating first measurement beams ...; creating second measurement beams ...; and determining, from a comparison of an intensity of the plurality of first measurement beams and an intensity of the plurality of second measurement beams, a distance between the sensor and a surface.” Applicant respectfully submits that Buechler fails to teach, disclose or suggest at least these features of amended independent claim 30, which are somewhat similar to the features of amended independent claims 1 and 20.

Still further, independent claim 31 has been cancelled, thereby rendering the rejection to independent claim 31 moot.

In light of the above, Applicant respectfully request that the rejection of claims 1, 20, 30 and 31 under 35 U.S.C. § 102(b) be withdrawn.

Claim Rejections under 35 U.S.C. §103(a)

Claims 5-9, 15, 17 and 24-28 stand rejected under 35 U.S.C. §103(a) as unpatentable over Buechler in view of Murata (U.S. Patent No. 4,115,005). Applicant respectfully traverses this rejection for the same reasons as detailed above with respect to the 35 U.S.C. § 102(b) rejection to independent claims 1, 20, 30 and 31.

As discussed above, amended independent claim 1 includes the allowable features of dependent claim 2 and amended independent claim 20 includes the allowable features of dependent claim 21. Accordingly, claims 5-9, 15 and 17, which depend from amended independent claim 1, and claims 24-28, which depend from amended independent claim 20, are allowable for at least the same reasons amended independent claim 1 and amended independent claim 20 are allowable over the cited references.

Therefore, Applicant respectfully requests that the rejection of claims 5-9, 15, 17 and 24-28 under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the pending claims of the present application is earnestly solicited.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By


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